

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12909
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 04, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 94-14016-CR-DLG

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES BROWN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(February 4, 2009)

Before TJOFLAT, DUBINA and BARKETT, Circuit Judges.

PER CURIAM:

Charles Brown, a federal prisoner convicted of a crack cocaine offense, pro

se appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction based on an amendment to the Sentencing Guidelines that lowered the base offense levels applicable to crack cocaine. The district court denied Brown's § 3582(c)(2) motion because the sentencing court based Brown's sentence on a statutory mandatory term of life imprisonment and not according to the base level in § 2D1.1. Therefore, Brown was not entitled to a sentence reduction under the crack cocaine amendments. United States v. Williams, No. 08-12475, manuscript op. (11th Cir. Nov. 26, 2008).

AFFIRMED